

SEP 06 2005

PATENT

Attorney Docket D0932-432 (I-8847)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/763,873

Confirmation No.: 6004

In re application of: Michael J. Lembo et al.

Filed: January 23, 2004

Technology Center/Art Unit: 1733

Examiner:

Docket No.: D0932-00432 [I-8847]

Customer No.: 08933

Title: APPARATUS AND METHOD FOR
FORMING PERFORATED BAND JOIST
INSULATIONI CERTIFY THAT THIS CORRESPONDENCE COMPRISED OF TWO (2)
PAGES IS BEING TRANSMITTED BY FACSIMILE TO THE PATENT
AND TRADEMARK OFFICE ON THE DATE AND TO THE FACSIMILE
NUMBER SHOWN BELOWON: September 6, 2005FACSIMILE NO. 571.273.8300Wanda L. Slagle
SIGNATURECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT AND
REQUIREMENT FOR ELECTION OF SPECIES

Sir:

This is in response to the Office Action dated August 8, 2005.

The Office Action incorrectly states the status of the claims. The Action only lists claims 1-27. Claim 28 was added by a preliminary amendment dated May 5, 2004, which is accessible by Private PAIR, and presumably is available to the Examiner through PALM. Claim 28 is an apparatus claim dependent on claim 1.

The Examiner requires election of either Group 1, apparatus claims 1-17, or Group 2, method claims 18-27. Applicants hereby elect Group 1, apparatus claims 1-17 and 28. (As noted

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Response to Restriction Requirement

above, claim 28 is an apparatus claim, and applicants submit that claim 1 is a part of Group 1.)
This election is made without traverse.

The Examiner further requires election of either: Species 3 (FIGS. 3A and 3B), Species 4 (FIG. 4), or Species 5 (FIG. 5).

Applicants elect Species 4, FIG. 4.

Claims 1-5, 7-11, 13-17 and 28 read on the species of FIG. 4.

Claims 1-4, 7-11, 14-17 and 28 are generic to Species 3, 4, and 5.

This election of species is made without traverse.

The Examiner further requires election of either: Species 6 (FIG. 11), Species 7 (FIG. 12) or Species 8 (FIG. 13).

Applicants elect Species 6 (FIG. 11).

Claims 1-15 and 28 read on the elected species 6.

Claims 1-14 and 28 are generic to Species 6, 7 and 8.

This election of species is made without traverse.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for examination.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: 9-6-05



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